

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-28486-2023

Date of decision: 04.07.2023

Ajay @ Malai

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner

Mr. Dhruv Sihag, AAG, Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 171 dated 15.04.2020, registered under Sections 397, 506 and 34 of the Indian Penal Code, 1860 (Sections 188, 302 IPC and Section 25 of the Arms Act were added later on) at Police Station Azad Nagar, District Hisar.

2. Learned counsel contends that petitioner has been in custody for the last more than 3 years and 5 months. Though the petitioner is alleged to have caused an injury to the deceased but the fatal one was attributed to Ishu @ Bansi. One co-accused namely Suraj @ Bachhi was also granted regular bail by this Court vide order dated 17.04.2023, Annexure P-2 after having been in custody for about 3 years. Out of 18 Pws, 7 have been examined including the material witnesses. Presently the petitioner is not involved in any case.

3. Learned State counsel opposes the bail on the ground that the petitioner had inflicted an iron rod to the deceased and he was involved in one more case wherein though he was acquitted. However, he is unable to controvert the submissions with regard to the custody, stage of the case, co-accused having been granted bail.

4. Heard.

5. In view of the facts and circumstances of the case that the petitioner has been in custody since more than 3 years; co-accused has been granted regular bail; though material witnesses have been examined, however, 11 Pws still remain; the trial is likely to take considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the

conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall not leave the country without prior permission of the trial Court.

9. The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

04.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No